

MINUTES

The State Board of Elections Board Meeting was held on Tuesday, January 8, 2013. The meeting was held in the Washington Building, 1100 Bank Street, Room B27, in Richmond, Virginia. In attendance, representing the State Board of Elections (SBE) was Charles Judd, Chair; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary; Joshua Lief, Senior Assistant Attorney General and SBE Counsel; Justin Riemer, Deputy Secretary; Nikki Sheridan, Confidential Policy Advisor; Chris Piper, Election Services Manager; Matt Abell, and Election Services Lead. Chairman Judd called the meeting to order at 9:00AM.

The first order of business was the approval of the Minutes from the State Board of Elections Board Meeting held on November 26, 2012. After careful review, Vice Chair Bowers made a motion to approve the Minutes. Secretary Palmer seconded the motion and the Board unanimously approved the Minutes.

The second order of business was the Secretary's Report delivered by Secretary Palmer. The Secretary's Report is an agenda item for each Board meeting describing recent developments at SBE. Secretary Palmer reported that the 2012 Electoral College Meeting was successful and thanked all involved in this effort. Secretary Palmer reported that the progress updates on the Committee Electronic Tracking System, (COMET), continue to be impressive. Secretary Palmer reported that a post-election meeting with election officials was held on December 19, 2012. Secretary Palmer stated that during this meeting a post-election analysis was conducted and items were presented to focus on before the upcoming elections. Secretary Palmer stated the issues relative to election administration. Secretary Palmer reported that these elections' topics will be addressed during the legislative session which will begin on January 9, 2013. Secretary Palmer reported that the SBE Policy Analysts are working on legislation in preparations for the start of this session. Secretary Palmer report that the agency is working on its budget. Secretary Palmer report that there were two requests; one being reduction in locality budgets and the other was agency personnel savings and that the Governor accepted only the cut to personnel savings. Secretary Palmer reported that it will be important for the agency to identify areas of reductions and to increase efficiencies. Secretary Palmer

32 stated that SBE is a reflection of all state agencies in that agency heads are reviewing
33 their personnel plans and looking for avenues to increase their efficiency.

34 The next order of business was the Legal Report delivered by Joshua Lief, Senior
35 Assistant Attorney General and SBE Counsel. The Legal Report is an agenda item for
36 each Board Meeting describing recent developments at SBE. Mr. Lief provided an
37 update on current litigation. Mr. Lief reported that preparations are being made for the
38 General Assembly session in consult with SBE staff. Mr. Lief reported that there are sixty
39 plus election bills before the General Assembly and expects that number to grow when
40 session opens.

41 The next order of business was the "Stand by your Ad Complaints" presented by
42 Chris Piper, SBE Election Services Manager. Mr. Piper identified the first matter for
43 Board consideration as the complaint against the Alexandria Republican City Committee.
44 Mr. Piper informed the Board that on or about September 26, 2012, the State Board of
45 Elections became aware that an email supporting the election of various candidates,
46 issued on behalf of the Alexandria Republican City Committee, did not contain the
47 required disclosure statement and did not comply with state law requiring the political
48 committees to disclose whether they have authorized an advertisement. Mr. Piper stated
49 that the candidate has been formally notified about the violation and a response was
50 received. Mr. Piper informed the Board that staff recommends assessing a civil penalty of
51 one hundred dollars. Chairman Judd inquired if a representative of the committee was
52 present. Chairman Judd noted that absent a representative of the Alexandria Republican
53 City Committee that a motion was appropriate. Vice Chair Bowers moved to waive the
54 civil penalty. Secretary Palmer seconded the motion and Chairman Judd asked if there
55 was any further public comment and with there being none the Board unanimously
56 passed the motion.

57 Mr. Piper identified the second matter for Board consideration as the complaint
58 against Mary Harvey-Halseth. Mr. Piper informed the Board that on or about September
59 6, 2012, the State Board of Elections received a complaint concerning a brochure
60 distributed on behalf of candidate Mary Harvey-Halseth. Mr. Piper stated that the
61 advertisement contained a photograph of the candidate and advocated on behalf of her
62 election. Mr. Piper stated that the advertisement did not contain the required disclosure
63 statement and did not comply with state law requiring the candidates to identify whether

64 they have authorized and advertisement. Mr. Piper stated that the candidate has been
65 formally notified about the violation and a response was received. Mr. Piper informed the
66 Board that staff recommends assessing a civil penalty of one hundred dollars. Chairman
67 Judd inquired if Mary Harvey-Halseth was present. Mary Harvey-Halseth approached the
68 podium and explained upon notification of the error an email was sent to Mr. Piper
69 apologizing. Ms. Harvey-Halseth stated that she took immediate corrective action. Ms.
70 Harvey-Halseth stated that it was an honest mistake and apologized. Chairman Judd
71 asked if there were any other public comments. Secretary Palmer moved to waive the
72 civil penalty relating to Ms. Harvey-Halseth. Vice Chair Bowers seconded the motion
73 and the Board unanimously passed the motion.

74 Mr. Piper identified the third matter for Board consideration as the complaint
75 against Mimi Elrod. Mr. Piper informed the Board that on or about November 9, 2012,
76 the State Board of Elections received a complaint concerning a newspaper advertisement
77 that ran on behalf of candidate Mimi Elrod during the week before Election Day. Mr.
78 Piper stated that the advertisement contained a photograph of candidate Elrod and
79 advocated on behalf of her election. Mr. Piper stated that the advertisement did not
80 contain the required disclosure statement and did not comply with state law requiring the
81 candidates to identify whether they have authorized and advertisement. Mr. Piper
82 informed the Board that staff recommends assessing a civil penalty of two hundred
83 dollars. Mr. Piper stated that the candidate has been formally notified about the violation.
84 Chairman Judd inquired if Ms. Elrod was present and she was absent from the Board
85 Meeting. Secretary Palmer noted that a formal communication occurred between Ms.
86 Elrod and SBE prior to the complaint being received. Ms. Elrod stated that she
87 apologized and would make corrective action. Vice Chair Bowers moved to waive the
88 civil penalty relating to Ms. Elrod. Secretary Palmer seconded the motion and the Board
89 unanimously passed the motion.

90 Mr. Piper identified the fourth matter for Board consideration as the complaint
91 against Patricia Hines. Mr. Piper informed the Board that on or about August 8, 2012, the
92 State Board of Elections became aware that a website operated on behalf of Patricia "Pat"
93 Hines, relating to her write-in campaign for a school board seat in Petersburg, does not
94 contain the required disclosure statement and does not comply with state law requiring
95 that candidates identify whether they have authorized the advertisement. Mr. Piper

96 informed the Board that staff recommends assessing a civil penalty of one hundred
97 dollars. Mr. Piper stated that the candidate has been formally notified about the violation.
98 Chairman Judd inquired if Ms. Hines was present. Ms. Hines approached the podium
99 and explained that a third party developed the website and when the error was noticed
100 immediate corrective actions took place. Ms. Hines stated that her other election related
101 materials did contain the required disclosure statement and extended her apologies for the
102 error. Vice Chair Bowers moved to waive the civil penalty relating to Ms. Hines.
103 Secretary Palmer seconded the motion and the Board unanimously passed the motion.

104 The next order of business was the Board approval of Candidate Campaign
105 Finance Summary and Paper Report Fee Regulation implementation. Chris Piper,
106 Election Services Manager, stated that SBE shall by regulation provide for an
107 administrative fee up to twenty five dollars for each non-electronic report filed with the
108 Board under § 24.2-946.1.5 of the Code of Virginia. Mr. Piper stated that the regulation
109 shall provide for waiver of the fee based upon indigence. Mr. Piper stated that the
110 Governor approved the proposed regulation and the regulation became effective on
111 December 20, 2012. Mr. Piper stated that staff proposes amending its Candidate
112 Campaign Committee Summary of the Laws and Policies to reflect the implementation of
113 the regulation. Chairman Judd inquired if there were any comments and there were none.
114 Secretary Palmer moved that the Board approve the staff's proposed Candidate
115 Campaign Committee Summary and staff recommendation for implementation of Paper
116 Report Filing Fee Requirement. Vice Chair Bowers seconded the motion and the Board
117 unanimously passed the motion.

118 The next order of business was the Board approval of revised Petition of
119 Qualified Voter Forms. Matt Abell, Elections Services, stated that the changes to the
120 forms are the result of a U.S. District Court's ruling in Libertarian Party of Virginia v.
121 Judd et al. that enjoins the State Board of Elections from enforcing the in state residency
122 requirement §§ 24.2-506, 24.2-521, 24.2-543, 24.2-545 and 24.2-684.1. Mr. Abell
123 stated that this ruling is under appeal to the Fourth Circuit Court of Appeals and the
124 outcome of the appeal might strike or uphold the out of state petition circulator
125 permission. Mr. Abell stated that the appeal is scheduled to be heard in the spring of
126 2013. Chairman Judd stated that if Virginia would remove the petitions from the
127 candidate qualifying requirements the in state requirement would be mute. Chairman

128 Judd inquired if there were public comments and there were none. Secretary Palmer
129 moved that Board approve the use of SBE-506/521, SBE-543, SBE-543(PC), SBE-545
130 and SBE-684.1(1) Petition of Qualified Voter Forms. Vice Chair Bowers seconded the
131 motion and the Board unanimously passed the motion.

132 The next order of business was the Board action to re-certify the November 6,
133 2012 General Election results for President and Vice President due to an error in results
134 reporting from the City of Buena Vista. Matt Abell, Election Services, stated that the
135 Electoral Board in Buena Vista contacted SBE concerning a write-in vote for President
136 and Vice President in the November 6, 2012 General Election. Mr. Abell stated that
137 Buena Vista recertified their results and executed an amended original abstracts for the
138 office of President and Vice President. Mr. Abell stated that those documents were before
139 the Board for review and approval. Mr. Abell stated the outcome of the election was not
140 in question as there was one unrecorded write in vote. Mr. Abell stated that staff
141 recommends to the Board that the Board resign the certification document (Canvass Book
142 Page) to reflect the changes Buena Vista has identified. The State Board of Elections
143 Board Members signed the certification document.

144 The next order of business was to certify the December 18, 2012 election results
145 for the 89th House of Delegates Special Election. Matt Abell, Election Services, stated
146 that there was one abstract of votes and a canvass book page for the Board to review.
147 State Board of Elections Board Members reviewed the documents and signed the
148 appropriate documents of certification and a Certificate of Election.

149 The next order of business was the ballot position drawing for the April 2, 2013
150 special election in the City of Charlottesville. Matt Abell, Election Services, explained
151 the process to the Board. When determining ballot order, Vice Chair Bowers drew the
152 “Democratic” slip of paper first and Secretary Palmer drew the “Republican” slip of
153 paper second. Chairman Judd confirmed that the Democratic candidate will appear first
154 on the ballot and the Republican candidate will appear second on the ballot for the special
155 election to be held on April 2, 2013 in the City of Charlottesville.

156 Chairman Judd asked if there was any other business to come before the Board for
157 the Good of the Order and with there being none Chairman Judd made a motion to
158 adjourn. Vice Chair Bowers seconded the motion and the Board unanimously passed the

159 motion. The Board shall reconvene on February 26, 2013 at 9:00 AM in the General
160 Assembly Building, Room C. The meeting was adjourned at approximately 11:35AM.

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Secretary

DRAFT